

FILED  
APR 12 2010  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SIOUX FALLS DIVISION

SOUTH DAKOTA BOARD OF REGENTS  
as governing board for SOUTH DAKOTA  
AGRICULTURAL EXPERIMENT  
STATION and SOUTH DAKOTA STATE  
UNIVERSITY,

Plaintiff,

CASE NO. 09-4096

vs.

BRAD BECHEN, and  
JOHN DOES 1-50,

Defendants.

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CONSENT JUDGMENT

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Defendant Brad Bechen ("Bechen"), with counsel, consents to this Judgment on the terms adopted by the Court and stated below:

1. **Ownership of Intellectual Property Rights.** Bechen stipulates and agrees that SDSU owns or licenses valid and enforceable intellectual property rights to the wheat seed protected by virtue of various certificates of plant variety protection, namely, the Briggs variety.

2. **Prohibited Activities under the Plant Variety Protection Act.** Bechen and all successors, assigns, officers, agents, employees, representatives, and all other entities or persons in active concert or participation with Bechen are ordered to refrain from selling, offering for sale, or conditioning SDSU's federally protected varieties unless shown to be properly certified in compliance with federal law.

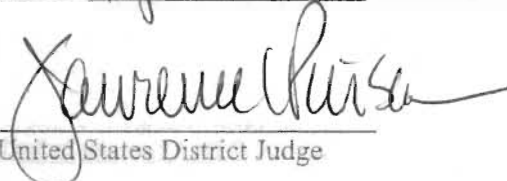
3. **Right of Inspection.** SDSU, by and through an agent, representative, and attorneys, shall have the right to inspect the physical premises of Bechen, including telephone records, cellular phone records, invoice books, receipts, fields, buildings, storage facilities, and other locations under the ownership or control of Bechen and his successors, assigns, officers, agents, employees, representatives, and/or all other entities or persons in active concert or participation with Bechen. The right of inspection shall

include the opportunity to take representative samples of crops, stored seed, or bagged seed available for sale to the public, and to inspect and copy Bechen's business records, farm records, and financial records. The right of inspection shall also include the right to make undercover purchases or arrange for the conditioning of seed. The right of inspection shall expire five (5) years following entry of this Consent Judgment.

4. **Damages.** Bechen shall be liable to SDSU for damages of FIFTEEN THOUSAND DOLLARS and No Cents (\$15,000).

**IT IS SO ORDERED.**

Dated: April 11, 2010

  
United States District Judge

  
BRAD BECHEN

Approved: 

Aaron J. Emerson, P.C.  
300 N. Dakota Avenue, STE 510  
PO Box 1085  
Sioux Falls, SD 57101-1085  
Telephone: (605) 336-3700  
Fax No.: (605) 336-3786  
Counsel for Brad Bechen